

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,

NO.

Tannan,

COMPLAINT TO COMPEL AUDIT

PARAMOUNT CONVENTION
SERVICES, INC., a Missouri corporation,

Defendant.

1.

Plaintiff, Northwest Administrators, Inc., is an organization incorporated under the laws of the State of Washington, with its principal place of business in King County, and is the authorized administrative agency for and the assignee of the Western Conference of Teamsters Pension Trust Fund (hereinafter "Trust").

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The Western Conference of Teamsters Pension Trust Fund is an unincorporated association operating as a Trust Fund pursuant to Section 302 of

COMPLAINT TO COMPEL AUDIT - 1

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1 the Labor Management Relations Act of 1947, as amended, to provide retirement
2 benefits to eligible participants.

3 III.

4 This Court has jurisdiction over the subject matter of this action under
5 Section 502(e)(1) and (f) of the Employee Retirement Income Security Act of 1974
6 ("ERISA"), 29 U.S.C. §1132(e)(1) and (f) and under §301(a) of the Taft-Hartley Act,
7 29 U.S.C. §185(a).

8 IV.

9 Venue is proper in this District under Section 502(e)(2) of ERISA, 29 U.S.C.
10 §1132(e)(2), because the Plaintiff Trust Fund is administered in this District.

12 V.

13 Defendant is a Missouri corporation.

14 VI.

15 Defendant is bound to a collective bargaining agreement with Local 631 of
16 the International Brotherhood of Teamsters (hereinafter "Local"), under which the
17 Defendant is required to promptly and fully report for and pay monthly contributions
18 to the Trust at specific rates for each hour of compensation (including vacations,
19 holidays, overtime and sick leave) said Defendant pays to its employees who are
20 members of the bargaining unit represented by the Local (such bargaining unit
21 members are any of the Defendant's part time or full time employees who perform
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25 COMPLAINT TO COMPEL AUDIT - 2
G:\01-01999\515\Paramount Convention Services 214335 10-15-1\Complaint.doc

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1 any work task covered by the Defendant's labor contract with the Local, whether or
2 not those employees ever actually join the Local).

3 VII.

4 Defendant accepted the Trust's Agreement & Declaration Agreement ("Trust
5 Agreement") which provides in part:

6 Each Employer shall promptly furnish to the Trustees or
7 their authorized representatives on demand any and all
8 records of his past or present Employees concerning the
9 classification of such Employees, their names, Social
10 Security numbers, amount of wages paid and hours
11 worked or paid for, and any other payroll records and
12 information the Trustees may require in connection with
13 the administration of the Trust Fund, and for no other
14 purpose. The Trustees or their authorized
15 representatives may examine any books and records of
16 each employer, which the Employer is required to furnish
17 to the Trustees on demand whenever such examination
18 is deemed necessary or desirable by the Trustees in the
19 proper administration of the Trust. If it becomes
20 necessary for the trustees to retain legal counsel to
compel an Employer to furnish to, or permit the
examination of books, or records or information by, the
Trustees or their representatives, the Employer shall
reimburse the Trust fund for all reasonable attorney's
fees and court costs incurred by the Trust Fund in
connection therewith, whether or not legal proceedings
were instituted and whether or not such examination
disclosed that the Employer has failed to make
appropriate or timely Employer Contributions to the Trust
Fund.

21 VIII.

22 The Trustees of the Western Conference of Teamsters Pension Trust deem
23 it both necessary and advisable to the proper administration of the Trust that their
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25 COMPLAINT TO COMPEL AUDIT - 3
G:\01-01999\615\Paramount Convention Services 214335 10-15\Complaint.doc

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authorized representatives examine the Defendant's books and records for the period October 1, 2015 through the Present date to determine if the Defendant previously reported for and paid to the Trust all of the amounts due for the Defendant's employment of the above-referenced members of the bargaining unit represented by the Trust for said periods.

ix.

Despite notification to the Defendant of the Trustees' desire to conduct an audit for the above referenced periods for the above referenced members of the bargaining unit, and demands made upon the Defendant on the Trust's behalf for access to Defendant's records for an examination of them for that period, to date the Defendant has failed and refused to make its records available for the thorough examination the Trustees deem necessary and advisable to the proper administration of the Trust.

WHEREFORE, plaintiff, on the Trust's behalf, prays the court as follows:

1. That the Court enter an Order Compelling Audit under which Defendant shall be directed by the Court, within a specified time, to make available to the authorized representatives of the Trustees of the Trust for the period October 1, 2015 through the Present date the following records:

- a. Individual payroll records for all employees, not just bargaining unit employees;
- b. Employee roster listing all employees, with hire or position date changes;
- c. Signed Temporary Agency Personnel (TAP) Usage document;

COMPLAINT TO COMPEL AUDIT - 4

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- 1 d. Temporary Personnel Invoices (if applicable);
- 2 e. State of California Quarterly Wage and Withholding Reports
- 3 (DE6/DE9) – or – State Employer Security Reports;
- 4 f. Vendor list;
- 5 g. Cash Disbursement records;
- 6 h. State Industrial Insurance or Comparable Reports;
- i. Quarterly FICA and Federal Income Tax Reports (941/941A);
- j. Annual Federal Unemployment Reports (FUTA 940);
- k. Labor Contracts – plus any addendums or supplements, if
- applicable.

7 2. Afford to the authorized representatives of the Trustees of the Trust
8 both ample time and opportunity to examine all such materials of Defendant at such
9 time and at such place as shall be convenient to the Trustees' authorized
10 representatives.

11 3. For judgment against the Defendant for:

- 12 A. All of the Plaintiff's attorney's fees incurred in gaining auditor
13 access to Defendant's records;
- 14 B. All of the Plaintiff's costs incurred in gaining auditor access to
15 defendant's records, and
- 16 C. For such other and further relief as the Court may deem just
17 and equitable.

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24 COMPLAINT TO COMPEL AUDIT - 5
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DATED this 2/27 day of February, 2019.

REID, McCARTHY, BALLEW & LEAHY,
L.L.P.

Russell J. Reid, WSBA #2560
Attorney for Plaintiff



COMPLAINT TO COMPEL AUDIT - 6
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